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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,753	06/11/2001	Josc-Luis Abad-Peiro	CH919980004U	6136

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FERENCE & ASSOCIATES LLC  
409 BROAD STREET  
PITTSBURGH, PA 15143

EXAMINER
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TINKLER, MURIEL S

ART UNIT	PAPER NUMBER
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3691

MAIL DATE	DELIVERY MODE
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09/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/787,753

Applicant(s)

ABAD-PEIRO ET AL.

Examiner

Muriel Tinkler

Art Unit

3691

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): 35 USC 101, 112.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-20.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments, see page 11, filed August 20, 2007, with respect to the claim objection to claim 5 have been fully considered and are persuasive. It has been noted that claim 5 was amended to remove the number '18' from the claim. The claim objection of claim 5 has been withdrawn.

Applicant's arguments, see page 11, filed August 20, 2007, with respect to 35 USC 101, 112 rejections of claims 1 and 16 have been fully considered and are persuasive. The term 'An improved' has been removed from both claims. The 35 USC 101, 112 rejections of claims 1 and 16 have been withdrawn.

Applicant's arguments, see page 11, filed August 20, 2007, with respect to 35 USC 112, 2nd paragraph rejection of claim 18 have been fully considered and are persuasive. Claim 18 has been amended to depend from claim 2, instead of claim 1. The 35 USC 112, 2nd paragraph rejection of claim 18 has been withdrawn.

Applicant's arguments filed August 20, 2007 with respect to the 35 USC 103 rejection(s) of claims 1 and 16 have been fully considered but they are not persuasive. The Applicant states that the Examiner does not provide a prima facie case of obviousness to combine Bardwell, which talks about a computer system for brokering goods across a network.

Applicant's arguments filed August 20, 2007 on page 12 regarding the 35 USC 103 rejection(s) of claims 1 and 16 have been fully considered but they are not persuasive. The Applicant claims that there is no motivation to for the Examiner to believe that further security should be used on the purchasing protocol and that the reference does not discuss the use of security features. Let it be noted that in column 9 (lines 30-35), the use of security features are discussed.

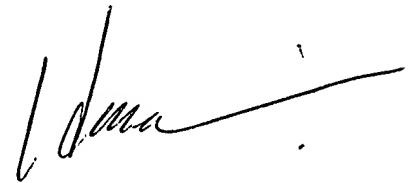
Considering the case of KSR International Co. v. Teleflex Inc. (KSR), the Examiner believes that using a security method, in addition to/or above the security used on for the communications link, for a purchasing protocol would be "obvious to try". For a discussion of what constitutes prior art, see MPEP 901 to 901(d) and 2121 to 2129.

Applicant's arguments filed August 20, 2007 stating that, "Bardwell nowhere contemplates utilizing two different protocols" have been fully considered but they are not persuasive. Bardwell discloses the use of additional protocols connected to high-bandwidth channels in column 14 (lines 20-25). Bardwell also discusses the use of a wide area network (i.e. Internet), which also uses several protocols to operate.

Applicant's arguments filed August 20, 2007 stating that Bardwell does not discuss the use of a database have been fully considered but they are not persuasive. Bardwell discloses the use of a database in column 14 (lines 20-25).

Applicant's arguments filed August 20, 2007 stating that Bardwell does not present the ability to use different protocols, based on the computer resources available have been fully considered but they are not persuasive. Bardwell disclose the use of different protocols based on the resources available (high-bandwidth, mid-bandwidth or low-bandwidth channels) in column 14 (lines 20-34). This function can also be performed by a standard router.

The Applicant asks why a reference in the IDS was not acknowledged. The reference cited in the IDS filed on February 5, 2004, JP PUPA W098/40809 could not be found using the searching technology available to the examiner at the time the application was reviewed..



**HANI M. KAZIMI**  
**PRIMARY EXAMINER**